

March 24, 1976

a minor amount. Here we are talking about a bill that might have a cost up to \$25,000, might have up to that much, and you want to begin the economy move here. You want to begin the move where we have the basic integrity of the Legislature as a separate branch of government at stake and I think that is not an overstatement. I think that is exactly what is here. Senator Syas uses an interesting technique on me out here. He was my biggest opponent to the initial bill when I tried to provide some prestige to the Legislative Legal Counsel in the Committee. My bill was emasculated in Committee and this is what is left but it is still a valuable piece of legislation. He is very right in this respect. We can never match the prestige that accrues to the Attorney General because he is an high elected official of this state. However, we can make a start, and what the Legislative Legal Counsel does, and it may be a part time person, it may be a full time person, that will be up to the Executive Board of the Legislative Council, what he can do is serve as a check and balance on the Attorney General's office to some limited extent. He can have a hand in drafting that legislation, working with the Attorney General in the very early stages, trying to put together constitutional bills for Senators to introduce in the first place so that he won't have to be writing that many Attorney General's opinions, hopefully. I point out to you the fact that last year I received an Attorney General's opinion that was factually incorrect. It came onto this floor. It was about to be used as a tactical tool against my particular interest. The Attorney General finally corrected it and admitted it was a factual error, had written the bill as if it referred to counties instead of cities. The Attorney General's staff is made up of eleven human beings, authorized fourteen, assistant Attorney General's in addition to the Deputy and the Attorney General who are expected to be superhuman by some people. They can't be. I admit that. They are going to make errors but we need some opportunity, at least, by letting a legal counsel or some expertise that that legal counsel secures for us to take a look at the legislation that comes out on this floor. He can identify specific pieces of legislation that deserve attention. He cannot cover the waterfront but he can help this Legislature protect its integrity and not be subject to the Attorney General, against his will, I might say in many cases, writing legislation on this floor and that is exactly what happens time and again by the waving of an Attorney General that is worded like, well, the constitutionality of this issue may be in question. I would also like to remind some of those Senators who are interested in water resources the kind of an Attorney General's opinion we got on water resources last year. That turned the state on its ear and the Attorney General has been trying to back away from it ever since because they had a new Attorney General on the staff who waded into, and that is the right term, waded, into one of the most complex areas of law of all with no background in that area, wrote an Attorney General's opinion that was waved around on the floor and used across the state and really upset